HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 16062 of 2006

DATED: 2-11-2007

Between:

Smt G. Veeramma

…Petitioner

and

The Chief General Manager,
Bharath Sanchar Nigam Limited,
Hyderabad and others

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 16062 of 2006

ORAL ORDER:

This writ petition is filed seeking a direction to the respondents to declare the action of the respondents in not sanctioning the payment of monthly pension to the petitioner even after retirement from service on 30-4-2003 as arbitrary and illegal and consequently direct the respondents to pay the monthly pension from the date of her retirement from service.

It is the case of the petitioner that she was converted as full time casual mazdoor by the 3rd respondent vide his proceedings dated 16-8-1993 with effect from 18-8-1993 and the same was approved and she was granted Temporary Status Mazdoor under full time casual Mazdoor by the 2nd respondent vide his proceedings dated 28-8-1998 after verification of the entire records. In the year 2000 when the department of Telecommunication was converted into Bharath Sanchar Nigam Limited (BSNL) she also agreed for absorption in BSNL and accordingly she gave her declaration on 30-9-2000 and the same was given effect to from 1-10-2000. Thereafter the respondents have regularized her temporary status of service in which she has completed her service for a period of 18 years. The respondents have regularized 68 employees who have completed 10 years of service as on 31-3-1998 to 31-3-1999 in the entire Chittoor District.

The contention of the learned counsel for the petitioner is that the petitioner has worked for more than 10 years and therefore, she is

entitled to the regular monthly pension and refusal of the same on the ground that she is not qualified is illegal and even if there is any shortage in the 10 years service which is compulsory for the purpose of granting monthly pension, it can be condoned because of the service rendered in the respondents-organisation.

The respondents filed a counter-affidavit, inter alia stating that the petitioner was inadvertently considered for grant of temporary status and regularization under the casual labour grant of temporary status scheme dated 7-11-1989. The total period of service worked out to 7 years 2 months 8 days (50% of temporary status service from 16-8-1993 to 31-8-1998 (i.e., 2 years 6 months 8 days plus regular service from 1-9-1998 to 30-4-2003
i.e., 4 years 8 months). As per Rule 6 (iv) of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme only 50% of service rendered under temporary status will be taken into consideration for the purpose of retirement benefits after their regularization.

Heard the learned counsel for the petitioner as well as the learned counsel appearing on behalf of the respondents.

Admittedly in this case, the petitioner's services are regularized and temporary status was granted on 16-8-1993. Her services were regularized in that category from 1-9-1998 to
30-4-2003. By taking into consideration the service rendered by the petitioner before regularization and after regularization, the total service qualified for pension worked out to 7 years 2 months 8 days which is less than 10 years and according to the order passed by the department of personal in OM No.12011/1/85-EST(C), dated 10-3-1986 continuous service of 10 years is necessary for granting temporary status. The petitioner was granted other benefits, such as, CGEIS, leave encashment and gratuity etc. The petitioner does not have the qualifying service for grant of monthly pension. The respondents rightly rejected the claim of the petitioner for grant of

monthly pension.

There are no merits in the writ petition and the same is accordingly dismissed. There shall be no order as to costs.

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N.V.RAMANA, J

2-11-2007
GRR